

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

CLARA J. THOMAS,	)	
	)	
	)	C.A. No. 02-MC-136
Plaintiff,	)	
	)	
v.	)	Judgment from the Southern
	)	District of Florida
CONNECTICUT GENERAL LIFE	)	
INSURANCE COMPANY,	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

**I. INTRODUCTION**

One of the greatest aspects of our judicial system is that it provides all citizens broad access to the courts. Yet when a litigant uses the limited resources of the judicial system as a conduit for a campaign of harassment, she must be stopped. As set forth in more detail below, “the time has come where this court can no longer tolerate [Clara Thomas’s] abuse of the judicial system,” and an injunction will be entered to limit her future access to the federal courts. *See Armstrong v. School District of Philadelphia, et al.*, 1999 U.S. Dist. LEXIS 14918 at \*7 (E.D. Pa. Sept. 29, 1999).

**II. BACKGROUND**

Ms. Thomas’s saga begins in Florida. On July 2, 1991, after a bench trial, the United States District Court for the Southern District of Florida entered final judgment in Ms. Thomas’ favor, and against defendant, Connecticut General Life Insurance Company (“CGLIC”), regarding her claim for benefits pursuant to the Employee

Retirement Income Security Act (“ERISA”), 29 U.S.C. § 1001 *et seq.* (D.I. 1.) CGLIC was ordered to pay all past-due benefits<sup>1</sup> to Ms. Thomas, and to act “in accordance with the terms of the [CGLIC] policy” in the future. (*Id.*) In 1995, CGLIC twice requested medical evidence of Ms. Thomas’s ongoing medical disability, which she failed to provide. (D.I. 17, Exh. 1 ¶¶ 43-45.) This prompted CGLIC to terminate Ms. Thomas’ benefit payments on August 30, 1995, and she again sued CGLIC, this time in the United States District Court for the Middle District of Florida. (D.I. 17 at 4.) On April 7, 1997, after another bench trial, the Middle District of Florida entered judgment in CGLIC’s favor, finding that Ms. Thomas’ claim that her benefits were improperly terminated in August 1995 was “without merit as plaintiff failed to comply with repeated requests to furnish proof of continued disability.” (*Id.*, Exh. 1 at 18.) Ms. Thomas appealed this judgment to the United States Court of Appeals for the Eleventh Circuit, and it was affirmed on May 28, 1998. (*Id.*, Exh. 5.)

However, Ms. Thomas refuses to accept that her claims against CGLIC have been fully adjudicated. In 1998, she filed a “Motion [To Relieve] Plaintiff from Judgment” in the Middle District of Florida, which was denied on August 4, 1998. (*Id.*, Exh. 6.) She appealed that decision, but her appeal was dismissed by the Eleventh Circuit on November 18, 1999 for want of prosecution. (*Id.*, Exh. 7.) While that appeal was pending, Ms. Thomas filed a “Motion to Set Aside Judgment for Fraud Upon the Court” in the Middle District of Florida, which was denied on October 19, 1999. (*Id.*, Exh. 8.) On July 19, 1999, Ms. Thomas moved the Southern District of Florida for an

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<sup>1</sup>A notice of satisfaction of this judgment was entered in the Southern District of Florida on July 9, 1993. (D.I. 17, Exh. 11.)

order holding CGLIC in contempt, which was denied on July 24, 1999, as was her motion for reconsideration on August 18, 1999. (*Id.*, Exh. 9, 10, 11.)

Apparently undeterred by these adverse decisions, Ms. Thomas filed another complaint against CGLIC in the Middle District of Florida on November 19, 2001, which the court dismissed *sua sponte* on November 21, 2001. (*Id.*, Exh. 12, 13.) On September 20, 2002, Ms. Thomas filed a Motion for Relief of Judgment in the Middle District of Florida. (*Id.*, Exh. 14.) The court denied the Motion, and required Ms. Thomas to show cause why it should not impose sanctions upon her, pursuant to Federal Rule of Civil Procedure 11. (*Id.*, Exh. 15.) On February 4, 2003, the court sanctioned Ms. Thomas \$250.00, to be paid to CGLIC within sixty days. (*Id.*, Exh. 16.) Ms. Thomas has not paid any portion of that amount to CGLIC. (*Id.* at 7.)

Meanwhile, Ms. Thomas filed a “Motion for Writ of Execution” in the Southern District of Florida on September 20, 2002. (*Id.*, Exh. 17.) Even though that motion was denied on September 30, 2002, (*id.*, Exh. 18), Ms. Thomas filed yet another Motion for Writ of Execution in the Southern District of Florida on October 7, 2002 (*id.*, Exh. 19), which was also denied (*id.*, Exh. 20).

On February 13, 2003, Ms. Thomas filed a Notice of her intention to appeal the Middle District of Florida’s February 4 Order imposing sanctions, and simultaneously requested leave to proceed *in forma pauperis* on appeal. (*Id.*, Exh. 21.) Her request was denied on March 13, 2003, together with the observation that “the appeal...reflects the Plaintiff’s growing history of bringing unmeritorious litigation against [CGLIC].” (*Id.*, Exh. 22.) The Eleventh Circuit also noted that Ms. Thomas’ “appeal [was] frivolous” and denied her motion for leave to proceed *in forma pauperis* on May 29, 2003. (D.I. 21.)

Ms. Thomas came to this court in December 2002, and, without providing any information about her past proceedings in Florida, registered the 1991 judgment here and instituted garnishment proceedings against Deutsche Bankers Trust Co. Delaware (“Deutsche Bank”), which she apparently believed had custody of funds belonging to CGLIC. (See D.I. 1, 4.) She then sought default judgment against Deutsche Bank. (D.I. 14.)

Once CGLIC became aware of the proceedings against Deutsche Bank, it filed a Motion to Vacate Judgment, to Quash Writ of Execution, Deny Motion for Default Judgment and to Show Cause Why Plaintiff Should Not be Sanctioned. (D.I. 16.) On November 4, 2003, I granted CGLIC’s Motion in all respects and found that Ms. Thomas is abusing the judicial system by continuing to file frivolous motions. (D.I. 24 at 3.) I also ordered Ms. Thomas and CGLIC to appear at a hearing on December 8, 2003 regarding CGLIC’s Motion to Show Cause Why Plaintiff Should Not Be Sanctioned. (*Id.*) During a December 3, 2003 teleconference with the court, plaintiff stated that she would not appear at the December 8th hearing, despite warnings that her failure to appear could result in the imposition of sanctions. Based on plaintiff’s representations, CGLIC stated that it would forego a hearing and was content to rest on its Memorandum of Law in Anticipation of Hearing on Sanctions (D.I. 29). For the reasons that follow, I will enter an Injunction to prevent Ms. Thomas from burdening the judicial system and CGLIC with frivolous filings in the future, and impose sanctions upon Ms. Thomas for her vexatious conduct.

### III. DISCUSSION

Federal courts are invested with the equitable power to issue an injunction when such is necessary to effectuate orders of the court and to avoid relitigation of identical or similar issues. *In re Packer Ave. Assoc*, 884 F.2d 745, 47 (3d Cir. 1989). The All Writs Act, which codifies this equitable power, provides, in pertinent part, that “all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of the law.” 28 U.S.C. § 1651(a) (2003). Section 1651(a) therefore authorizes district courts to issue an injunction restricting the access to the federal courts of parties who repeatedly file frivolous litigation. *Abdul-Akbar v. Watson*, 901 F.2d 329, 332 (3d Cir. 1990). Moreover, “federal courts have both the inherent power and the constitutional obligation to protect their jurisdiction from conduct which impairs their ability to carry out Article III functions.” *In re Martin-Trigona*, 737 F.2d 1254, 1261 (2d Cir. 1984). *Pro se* litigants do not have license to abuse the judicial process. *Armstrong*, 1999 U.S. Dist. LEXIS 14918 at \*6 (citations omitted). The court therefore has broad discretion to protect its jurisdiction. *Lysiak v. Comm. of Internal Revenue*, 816 F.2d 311, 313 (7<sup>th</sup> Cir. 1987). Enjoining a plaintiff from filing additional papers is an appropriate sanction to curb frivolous litigation. *Id.*

CGLIC argues that a nationwide injunction should issue against plaintiff to restrict her future access to the courts. (D.I. 29 at 3.) On the basis of Ms. Thomas’ past conduct, it seems she is “likely to continue to abuse the judicial process,” and I agree that an injunction is appropriate. See *Safir v. U.S. Lines, Inc.*, 792 F.2d 19, 24 (2d Cir. 1986). I will enjoin plaintiff from filing any action in federal court against CGLIC without prior leave of court.

There is no question that Ms. Thomas has harassed CGLIC with her frivolous filings and needlessly increased the costs of this litigation, which was adjudicated over twelve years ago. See Fed. R. Civ. P. 11(b)(1), (b)(2), (b)(3). She has also vexatiously and unreasonably multiplied the proceedings associated with her dispute with CGLIC. See 28 U.S.C. § 1927 (2003). Therefore, I find that Ms. Thomas has violated Federal Rule of Civil Procedure 11(b) and 28 U.S.C. § 1927. “Both [Rule 11(c) and 28 U.S.C. § 1927] provide courts with the power to sanction abusive *pro se* litigants.” *Ketchum v. Cruz*, 775 F. Supp. 1399, 1403 (D. Colo. 1991), *aff’d*, 961 F.2d 916 (10th Cir. 1992). Imposing sanctions upon Ms. Thomas is not only proper in this case, but also necessary to deter her from engaging in the same conduct in the future.

CGLIC has provided a detailed accounting of the attorney’s fees, costs, and expenses associated with its counsel’s work on this matter. (D.I. 29 at 9, Exhs. B and C.) Through October 2003, CGLIC has paid the law firm of Saul Ewing LLP \$6,533.00 in fees and \$618.83 in costs and expenses associated with responding to Ms. Thomas’ filings in this court.<sup>2</sup> Ms. Thomas will be sanctioned in the amount of \$7151.83, to be paid to CGLIC.

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<sup>2</sup>CGLIC estimates that its attorney’s fees through November 2003 will be approximately \$1,104.00. (D.I. 29 at 9.) This estimate is unsubstantiated and I decline to add this amount to the sanctions I now impose.

Accordingly, it is hereby ORDERED that, to protect the integrity of the courts, and to protect defendant CGLIC and others from the harassment of further frivolous litigation initiated by Ms. Thomas:

1. The court ENJOINS Ms. Thomas, or any entity acting on her behalf, from filing any action or proceeding in any federal court, including any action or proceeding against the defendant named in the instant action, without first obtaining leave of the court in which she intends to file the action or proceeding. The court ORDERS Ms. Thomas to attach a copy of this Memorandum Order and Injunction to any such petition for leave of court.
2. The court ENJOINS Ms. Thomas from filing any further papers in any case, either pending or terminated, in the District of Delaware, without first obtaining leave of this court. Leave of court shall be forthcoming upon Ms. Thomas' demonstrating through a properly filed petition, that the proposed filing: (1) can survive a challenge under Federal Rule of Civil Procedure 12; (2) is not barred by principles of *res judicata* or collateral estoppel; (3) is not repetitive or violative of a court order; and (4) is in compliance with Federal Rule of Civil Procedure 11.

The court further ORDERS the clerk of court of the District of Delaware to refuse to accept any submissions for filing from Ms. Thomas except petitions for leave of court, unless such submissions for filing are accompanied by an order of this court granting leave. In the event that Ms. Thomas succeeds in filing papers in the District of Delaware without first obtaining leave of this court, the clerk of court shall, under authority of this court's Order, immediately and summarily strike the pleadings or filings.

The court ORDERS the clerk of court for the District of Delaware to provide a copy of this Memorandum Order to the clerks of court for the Southern District of Florida and the Middle District of Florida.

The court ORDERS Ms. Thomas to pay sanctions in the amount of \$7,151.83 to Connecticut General Life Insurance Company within ninety (90) days of the date of this Order.

Kent A. Jordan  
UNITED STATES DISTRICT JUDGE

December 12, 2003  
Wilmington, Delaware